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OFFICE OF PETITIONS

In re Application of
Barnikol
Application No. 08/869,406
Filed: June 5, 1997
Attorney Docket No. DT-2179

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 13, 2003, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) by February 19, 2002.¹ Since an appeal brief (and appeal brief fee) was not timely filed, and no extensions of time under the provisions of 37 CFR 1.136(b) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on February 20, 2002. See MPEP 1215.04.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is now being forwarded to Technology Center 1600.

Telephone inquiries should be directed to Program Assistant Liana Chase at (703) 306-0482.

BethAnne Dayoan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ See the decision mailed by the Office on January 17, 2002, which stated, "Under the extraordinary circumstances... the requirement... that an appeal brief (and appeal brief fee) be filed within two months of a Notice of Appeal to avoid dismissal of the appeal is hereby sua sponte waived to the extent that an appeal brief (and appeal brief fee) is not due until February 19, 2002. See 37 CFR 1.183." Emphasis in original.